

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Carlmais Johnson	Team: Squad #12	CCRB Case #: 202005664	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 08/14/2020 6:00 PM	Location of Incident: Intersection of Broadway and Battery Place	Precinct: 01	18 Mo. SOL 2/14/2022	EO SOL 5/4/2022	
Date/Time CV Reported Sun, 08/16/2020 10:37 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 08/16/2020 10:37 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. POM Justin Pichon	21319	959894	SRG 3
3. POM Ermir Aliaj	18857	959452	SRG 1
4. POM Ryan Riveron	23018	953320	SRG 3
5. POM Hansel Rocha	09500	954279	PSA 8
6. POF Ileana Feliz	25565	950538	SRG 3
7. POM Anthony Buonomo	09259	954579	SRG 3

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DI Elias Nikas	00000	902105	PBMS
2. LT Gzim Palaj	00000	946091	SRG 3
3. PO Christopher Bowden	03868	922010	SRG 05

Officer(s)	Allegation	Investigator Recommendation
A.POM Anthony Buonomo	Force: Police Officer Anthony Buonomo used physical force against § 87(2)(b)	
B.POM Justin Pichon	Force: Police Officer Justin Pichon used physical force against an individual.	
C.POM Justin Pichon	Force: Police Officer Justin Pichon used physical force against an individual.	
D.POM Justin Pichon	Force: Police Officer Justin Pichon used physical force against individuals.	
E.POM Ermir Aliaj	Force: Police Officer Ermir Aliaj used physical force against § 87(2)(b)	
F.POM Ryan Riveron	Force: Police Officer Ryan Riveron used physical force against individuals.	

Officer(s)	Allegation	Investigator Recommendation
G.POM Hansel Rocha	Force: Police Officer Hansel Rocha used physical force against an individual.	[REDACTED]
H.POM Hansel Rocha	Force: Police Officer Hansel Rocha used physical force against an individual.	[REDACTED]
I.POF Ileana Feliz	Force: Police Officer Ileana Feliz used physical force against individuals.	[REDACTED]
J.POF Ileana Feliz	Force: Police Officer Ileana Feliz used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
K. Officers	Force: Officers used physical force against individuals.	[REDACTED]
L. Officers	Abuse: Officers threatened individuals with the use of force.	[REDACTED]
M.POM Anthony Buonomo	Discourtesy: Police Officer Anthony Buonomo spoke discourteously to individuals.	[REDACTED]

Case Summary

§ 87(2)(b) made this complaint via the online website on August 16, 2020.

On August 14, 2020, near the intersection of Broadway, State Street, and Battery Place in Manhattan, § 87(2)(b) and 20 to 30 other individuals engaged in a protest. At approximately 6:00 p.m., the group left the scene of the protest. The group crossed the street at the intersection of Broadway, State Street, and Battery Place, walking towards Battery Park. While they were passing through the crosswalk, an NYPD vehicle with its turret lights activated attempted to drive through the intersection. § 87(2)(b) and other individuals stood in front of the vehicle to prevent it from driving through the intersection. While § 87(2)(b) was standing in front of the car, Officer Anthony Buonomo pushed § 87(2)(b) from behind (**Allegation A: Force, § 87(2)(g)**). Officer Justin Pichon used force against unidentified protesters (**Allegation B: Force, § 87(2)(g)**) (**Allegation C: Force, § 87(2)(g)**) (**Allegation D: Force, § 87(2)(g)**). Officer Ermir Aliaj used force against § 87(2)(b) (**Allegation E: Force, § 87(2)(g)**). Officer Ryan Riveron used force against individuals (**Allegation F: Force, Miscellaneous – § 87(2)(g)**). Officer Hansel Rocha used force against unidentified individuals (**Allegation G: Force, § 87(2)(g)**) (**Allegation H: Force, § 87(2)(g)**). Officer Ileana Feliz used physical force against unidentified protesters (**Allegation I: Force, § 87(2)(g)**). Officer Feliz used force against § 87(2)(b) (**Allegation J: Force, § 87(2)(g)**). Unidentified officers used physical force against individuals (**Allegation K: Force, § 87(2)(g)**). Unidentified officers threatened protesters with force by swinging their batons at the protesters (**Allegation L: Abuse of Authority, § 87(2)(g)**). Officer Anthony Buonomo spoke discourteously to unidentified victims (**Allegation M: Discourtesy, § 87(2)(g)**). Neither § 87(2)(b) nor § 87(2)(b) were arrested, and they received no summonses as a result of this incident.

The investigation obtained seven BWC files (Board Review 12; summarized in Board Review 14 - Board Review 20). The investigation obtained additional video footage recorded by civilians (Board Review 03 - Board Review 6; summarized in Board Review 08 - Board Review 11, Board Review 13).

The investigation obtained photographs and videos recorded by civilian cell phone and uploaded to social media (Board Review 03 to Board Review 06; summarized in Board Review Board Review 08 to Board Review 11, Board Review 13, Board Review 43, and Board Review 44). Video evidence depicting potential misconduct is attached to Board Review 42 (summarized in Board Review 10) and Board Review 05 (summarized in Board Review 44).

Findings and Recommendations

Allegation (A) Force: Police Officer Anthony Buonomo used physical force against § 87(2)(b).

On August 14, 2020, § 87(2)(b) participated in a police brutality protest at Battery Park in Manhattan. Afterwards, she and approximately 50 other protesters demonstrated at the headquarters of the Metropolitan Transit Authority, located at 2 Broadway in Manhattan. After the second protest, at a time identified by the investigation as approximately 6:00 p.m., § 87(2)(b) and the protesters walked back to Battery Park. Approximately ten protesters stood in traffic with their bicycles in front of them to block the flow traffic. § 87(2)(b) identified one of the ten protesters with bicycles stopping traffic as § 87(2)(b) she knew only as Louis. The ten protesters with

bicycles did this to allow the protesters to cross the street together and to prevent the group of protesters from being separated. After traffic had been stopped for about a minute, there were still 20 protesters, including § 87(2)(b) who had not yet crossed the street. § 87(2)(b) observed an NYPD vehicle stopped on State Street in front of the crosswalk. § 87(2)(b) believed that the driver of the vehicle was angry because he revved the engine of the vehicle and moved the police vehicle as if he intended to drive through the crowd. § 87(2)(b) stated that the officer drove the vehicle close enough to Louis to touch Louis' bicycle. § 87(2)(b) noticed that there was a gap between Louis' bicycle and she feared that the driver might attempt to drive between this gap, which would strike protesters or bicycles or force the protesters to move. In order to stop the officer from doing this, § 87(2)(b) stood in the gap between the two bicycles. § 87(2)(b) stood in the gap for less than one minute. She did not hear any commands. She then felt something push her on her back. § 87(2)(b) did not see what pushed her and initially thought that she had been hit by a car because of how forceful it was. The push caused § 87(2)(b) to fall to the ground. Some of the other protesters helped her to stand back up. § 87(2)(b) later learned from others who had been at the protest that she had been pushed by a male officer. § 87(2)(b) never observed the officer who pushed her.

In her detailed statement to the CCRB, § 87(2)(b) explained that she was present at the incident location as a participant in the protest. Her statement outlined a similar set of facts as § 87(2)(b) regarding the protesters' attempts to prevent police vehicles from driving through the intersection as protesters crossed the street. § 87(2)(b) stated that one of the stopped vehicles was a marked NYPD van. § 87(2)(b) who § 87(2)(b) identified as § 87(2)(b) was walking towards Battery Park with other protesters. § 87(2)(b) stated that an officer identified by the investigation as Officer Buonomo, exited the NYPD van, approached § 87(2)(b) and pushed § 87(2)(b) from behind. § 87(2)(b) stated that Officer Buonomo possibly pushed § 87(2)(b) more than once. Officer Buonomo did not issue any instructions prior to pushing § 87(2)(b). As a result of the push, § 87(2)(b) stumbled but did not fall. After Officer Buonomo pushed § 87(2)(b) protesters turned back and gathered to ask Officer Buonomo why he had pushed her. § 87(2)(b) also noted that after the incident she watched a video of Officer Buonomo pushing § 87(2)(b) on Instagram.

The investigation obtained video footage of protest activity in the immediate vicinity of the incident location that was posted to social media (Board Review 03 to Board Review 06). The interaction described by § 87(2)(b) is most clearly captured in a video associated with Board Review 06 (summary attached to Board Review 13). This video depicts dozens of civilians, who are engaged in protest activity, standing or crossing through an intersection. As the civilians walk through the intersection, they walk to the left of the SUV. At the same time, a marked police SUV activates its sirens and attempts to drive through the intersection. A medium-complexioned male wearing shows stands in front of the SUV and tells the police vehicle that people are crossing the street. Starting at 00m22s, the SUV inches forward, but the vehicle's path is blocked by people standing or walking in front of the vehicle. At approximately 00m32s, protesters gather around the police vehicle and stand at the front driver's side door of the vehicle. The protesters stand approximately three feet from the SUV and are holding cell phones in their hands with their hands extended towards the SUV. Shortly thereafter, the police SUV reverses and then drives to the right of its previous position. However, at 00m38s, the SUV is unable to move through the intersection as its path is blocked by a medium-complexioned female with a black "Black Lives Matter" shirt; this individual has been identified by the investigation as § 87(2)(b) is the only person standing in this area. At 00m40s, a light-complexioned officer, identified by the investigation as Officer Buonomo, approaches § 87(2)(b) from behind. The view of § 87(2)(b) is then obscured by civilians standing in the foreground and civilians standing in front of the camera and civilians standing near the police vehicle. However, at 00m44s, § 87(2)(b) stumbles away from the crowd in the same direction that Officer Buonomo was walking. The civilians then begin to shout and

gather where § 87(2)(b) was standing. Additional officers gather in the area where § 87(2)(b) was standing and tell the crowd to move back.

The video footage attached to Board Review 05 (summary attached to IA 44) depicts the interaction with § 87(2)(b) and Officer Buonomo, though the point at which Officer Buonomo approaches § 87(2)(b) and makes contact with her is not clearly depicted as civilians obstruct the camera's view.

There is no BWC footage documenting this interaction. In his CCRB testimony, Officer Buonomo stated that he received instructions from an unidentified supervisor directing him to activate his BWC only when ordered to do so or if making an arrest or issuing a summons.

Officer Buonomo provided a statement to the CCRB on July 6, 2021 (Board Review 29). On August 14, 2020, Officer Buonomo was directed to respond to the intersection of State Street, Bowling Green, Broadway, and Battery Place in regards to a protest. There were approximately 50 to 60 civilians on the sidewalk near the intersection; he could not recall if they were at a crosswalk. A marked NYPD vehicle with its turret lights activated drove up to the intersection where the civilians were walking. Civilians walked from the sidewalk to the street and surrounded the vehicle so that it could not move. The protesters were chanting, but did not take any actions to damage the SUV. When Officer Buonomo saw the civilians surrounding the vehicle, he and approximately 25 other officers walked to the intersection to get the protesters out of the way. Officer Buonomo was one of the first officers to reach the area near the front passenger's side of the NYPD vehicle. Officer Buonomo approached § 87(2)(b) who was standing in front of and facing the vehicle, identified by the investigation as § 87(2)(b) and put his hand on her shoulder to get her attention while saying, "Please get onto the sidewalk" or "Please move." Officer Buonomo did not apply any force when he put his hand on § 87(2)(b) shoulder. He did not push or strike § 87(2)(b) and § 87(2)(b) did not stumble or fall as a result of Officer Buonomo touching her shoulder. Officer Buonomo put his hand on § 87(2)(b) because she was the person who happened to be closest to him.

Officer Buonomo made no Memo Book entries regarding this interaction.

Patrol Guide Procedure 221-01 governs use of force (Board Review 33). The procedure outlines the circumstances under which officers are permitted to use force: "Force may be used when it is reasonable to ensure the safety of a member of service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody." The procedure further notes that "any application or use of force must be reasonable under the circumstances" and that any unreasonable force will be deemed excessive and in violation of Departmental guidelines. "When appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force." When determining whether force was reasonable, the following factors should be considered:

- a) The nature and severity of the crime / circumstances
- b) Actions taken by the subject
- c) Duration of the action
- d) Immediacy of the perceived threat or harm to the subject, members of the service, and / or bystanders
- e) Whether the subject is actively resisting custody
- f) Whether the subject is attempting to evade arrest by flight
- g) Number of subjects in comparison to the number of MOS [members of service]
- h) Size, age, and condition of the subject in comparison to the MOS

- i) Subject's violent history, if known
- j) Presence of hostile crowd or agitators
- k) Subject apparently under the influence of a stimulant / narcotic which would affect pain tolerance or increase the likelihood of violence

In his statement to the CCRB, Officer Buonomo affirmed that he was the officer who made physical contact with § 87(2)(b) but denied that he pushed her or that his physical contact with her caused her to stumble. However, the video footage shows § 87(2)(b) stumbling immediately after Officer Buonomo approached her. Although the video did not depict Officer Buonomo making physical contact with § 87(2)(b) § 87(2)(g)

The Patrol Guide notes that officers may use force when reasonable to ensure the safety of police officers or members of the public. In his statement to the CCRB, Officer Buonomo stated that the reason he approached § 87(2)(b) and made physical contact with her was because she and other protesters were standing in front of a police vehicle that had its turret lights activated, preventing the vehicle from moving. He stated that his intention upon approaching § 87(2)(b) and the other civilians was to move them out of the path of the police vehicle. Officer Buonomo further explained that at the time he approached § 87(2)(b) there were civilians surrounding the SUV. Officer Buonomo's statement to the CCRB appears to reference potential safety concerns for both civilians and for the officer in the SUV. However, the video footage indicates that at the time Officer Buonomo approached § 87(2)(b) she was standing by herself and was not taking any actions towards the police SUV. Additionally, § 87(2)(b) was not standing in the path of the police SUV until the SUV reversed from where it had previously stopped and drove towards her. The

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

The Patrol Guide directs officers to use de-escalation techniques when possible to gain voluntary compliance that might reduce or eliminate the need to use force. Because Officer Buonomo denied that he pushed § 87(2)(b) as depicted in the video evidence, he did not provide an explanation

about why he did not use other methods to get § 87(2)(b) to move from the area in front of the SUV. § 87(2)(g)

Officer Buonomo stated that he directed § 87(2)(b) and others to leave at the same time he made physical contact with her. § 87(2)(b) and § 87(2)(b) stated that they did not hear any orders or instructions prior to the use of force. § 87(2)(g)

The video footage shows that Officer Buonomo's use of force caused the protesters, who were there to protest against police brutality, to assemble in the immediate area to protest his use of force against § 87(2)(b) and ultimately caused the interaction between police and protesters to escalate.

§ 87(2)(g)

Allegation (B) Force: Police Officer Justin Pichon used physical force against § 87(2)(b)

Allegation (C) Force: Police Officer Justin Pichon used physical force against § 87(2)(b)

Allegation (D) Force: Police Officer Justin Pichon used physical force against individuals.

§ 87(2)(b) stated that after unidentified protesters helped her to stand up, the protesters stood in the crosswalk a line in front of her. There were approximately 12 protesters with bicycles and ten without bicycles in the crosswalk. The protesters held on to one another to form a human chain to prevent anyone from being separated or arrested. Between 30 and 50 police officers formed a parallel line to the line of protesters.

In her detailed statement to the CCRB, § 87(2)(b) alleged that after the protesters witnessed Officer Buonomo push § 87(2)(b) some protesters gathered to ask Officer Buonomo why he had pushed her. There were approximately 40 officers nearby, some of whom were wearing helmets and some of whom had collapsible batons. As protesters approached § 87(2)(b) the officers approached the protesters in a "wave." As protesters approached § 87(2)(b) the officers shoved them and kicked their bicycles. § 87(2)(b) stated that she did not see any of the protesters initiate physical contact with any of the officers. Some of the other demonstrators with bicycles also positioned themselves between the officers and the other demonstrators.

The investigation obtained BWC footage documenting some police interactions with protesters (Board Review 12). The BWC footage of Officer Pichon (Board Review 12; summary in Board Review 18) contains sound, but the sound does not commence until 1 minute in the recording. The BWC depicts Officer Pichon running toward the marked SUV, which is stopped in the middle of the intersection, where officers and civilians are gathered. At 00m42s in the recording, Officer Pichon runs over to a Black male protester with dreadlocked or braided hair and wearing a red shirt. The protester is standing immobile with his back to the officers and protesters with his hands up; he is not making physical contact with anyone and is standing a few feet away from any officers. Officer Pichon pushes this protester to the side. At 00m44s, Officer Pichon then approaches a medium-complexioned protester with a black shirt, large rings, and large goggles on his head. This protester is standing with his arms crossed over his chest and his back to the crowd. Officer Pichon grabs the wrists of the black-shirted and be-ringed male and pushes him. After being pushed, the male reaches towards Officer Pichon, and Officer Pichon's BWC is covered. At approximately 00m47s in the recording, Officer Pichon then pushes a white individual with a slim build wearing a cropped black shirt. The footage does not show what actions this individual was doing prior to the push. After the push, the black-shirted and be-ringed male is propelled towards and makes contact with another protester. Officer Pichon pulls or grabs a backpack being worn by a Black female wearing all black. At 00m48s, § 87(2)(b) to the left of the field of vision is seen holding a

gold bicycle aloft. Officer Pichon grabs the gold bicycle from one of the protesters. One of the protesters then takes the bicycle back. At 00m53s, Officer Pichon pushes a gold bicycle held by a heavy-set Black male wearing a black shirt. At 00m55s, a Strategic Response Group officer to Officer Pichon's left pushes a protester with blond-haired male protester holding a gold bicycle. At 01m02s, a Strategic Response officer to Officer Pichon's right pushes a gold bicycle against civilians. After 01m04s, Officer Pichon moves away from the protesters and no more interactions between officers and civilians are depicted. At 01m11s, Officer Pichon turns back toward the crosswalk. The NYPD vehicle that the civilians were previously blocking is no longer in the intersection.

The BWC footage of Officer Riveron (Board Review 12; summarized in Board Review 19) captures some of the actions in Officer Pichon's footage. Officer Pichon's push of the red-shirted protester is captured at 00m05s in the recording. It does not capture Officer Pichon's push of the medium complexioned male protester with a large ring and goggles. While it does capture a different angle of the multiple officers and protesters, it does not definitively depict civilians pushing officers with their bicycles.

Officer Pichon provided a statement to the CCRB (Board Review 22). In his statement to the CCRB, Officer Pichon stated that he observed a police vehicle that was blocked from moving through the intersection due to a crowd of approximately 50 protesters. Although there were Strategic Response Group officers in the vicinity, the officers were struggling to move the protesters away. Officer Pichon and other officers ran over and began pushing protesters out of the way. Officer Pichon approached an unidentified individual who was standing in the street directly in front of the police vehicle; Officer Pichon was unable to describe the ethnicity or gender of this individual. The individual had their arms raised in a way that Officer Pichon believed was an attempt to block Officer Pichon. Because the individual did not move, Officer Pichon said, "Please move out of the way," multiple times. When the individual did not move, Officer Pichon pushed the individual on an unknown part of the body to get them to move towards the sidewalk. Officer Pichon did not know what happened to this person after he pushed them. Officer Pichon and other officers then formed a line in front of the protesters. Officer Pichon and other officers pushed protesters towards the sidewalk while telling the protesters to get back. At the same time, the protesters attempted to push the officers with their bicycles. When an unidentified white male pushed Officer Pichon with his bicycle, Officer Pichon grabbed the bicycle and unsuccessfully tried to pull it from the hands of the unidentified white male. Officer Pichon then joined the other officers in pushing protesters towards the sidewalk. It took approximately 30 seconds for the officers to move the protesters onto the sidewalk. Officer Pichon stated that he and other officers pushed the protesters to move them from the roadway and keep them safe from motor vehicle traffic.

BWC footage depicts Officer Pichon using force against several unidentified individuals. The force against the Black male protester with dreadlocked or braided hair and wearing a red shirt – as depicted in PO Pichon's BWC at approximately 00m42s in the recording – is addressed under Allegation B. The force used against the medium complexioned male with a black shirt, large rings, and large goggles – as depicted in PO Pichon's BWC footage at 00m44s in the recording – is addressed under Allegation C. Officer Pichon's use of force against other civilians is addressed under Allegation D.

As noted in the discussion of Allegation A, Patrol Guide Procedure 221-01 governs the use of force and notes that force may be used to ensure the safety of a member of service or a civilian, to place a person in custody, or to prevent escape from custody.

At the time Officer Pichon used force against the unidentified Black male protester with dreadlocked hair and a red shirt, this protester was standing immobile with his hands at his sides and his back to the crowd; this protester was not engaging with other civilians or officers, and was standing away from officers. As Officer Pichon approaches, this protester did not change the position of his hands or take any action against Officer Pichon. Further, Officer Pichon did not state that he observed this protester engage in any behavior that might threaten the safety of others prior to his approach. Therefore, the investigation determined that the Black male protester with a red shirt had not and was not endangering the safety of any officers or civilians at the time force was used. In his CCRB statement, Officer Pichon stated that he pushed this protester because the protester was blocking his path; he did not provide an explanation as to why he did not walk around the protester to reach the civilians and officers behind the protester. While Officer Pichon stated that he pushed this protester to move him towards the sidewalk, the BWC shows that Officer Pichon did not push the protester, who was standing in the middle of the intersection, in the direction of the sidewalk. The BWC shows that Officer Pichon took no further steps to ensure that the protester moved towards the sidewalk, and Officer Pichon testified that he did not know what happened to this protester after he made physical contact with him. § 87(2)(g)

§ 87(2)(g) The BWC does not depict nor did Officer Pichon state that he arrested or summonsed this protester for any offense. Finally, the BWC shows that Officer Pichon pushed the protester immediately upon approach. While Officer Pichon stated that he repeatedly told the Black male protester with dreadlocks, "Please move out of the way," the investigation could not determine whether he made this statement as the audio portion of the BWC recording did not begin until after this interaction occurred. § 87(2)(g)

§ 87(2)(g)

Officer Pichon did not provide a specific reason for using force against the medium complexioned black-shirted male wearing with rings and goggles. Further, Officer Pichon did not take place this individual into custody for an arrest or summons. At the time Officer Pichon used force, this individual had taken no actions to cause physical harm to Officer Pichon or anyone else, did not make physical contact with Officer Pichon and was instead holding his hands by his side. Indeed, the BWC footage shows that Officer Pichon was the one who caused potential harm and physical injury since he pushed the protester into another civilian. § 87(2)(g)

After pushing the protesters as addressed in Allegation B and Allegation C, BWC footage shows and Officer Pichon affirmed that he pushed additional protesters. Officer Pichon stated that he pushed these protesters in response to a protester pushing officers with a bicycle, and in an attempt to move protesters to the sidewalk. While footage does depict some protesters making holding bicycles, it does not clearly depict whether the protesters push the bicycles into the officers. Further, the video does not clearly show what actions, if any, the remaining protesters who were

pushed took towards Officer Pichon or other officers. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (E) Force: Police Officer Ermir Aliaj used physical force against individuals.

Allegation (F) Force: Police Officer Ryan Riveron used physical force against individuals.

As noted in the discussion above, § 87(2)(b) and § 87(2)(b) alleged that officers and unidentified civilians stood in parallel lines facing one another, and that officers used force against unidentified civilians. § 87(2)(b) stated that officers shoved the protesters and kicked the protesters' bicycles. § 87(2)(b) stated that she did not see any civilians initiate physical contact with the officers.

§ 87(2)(b) stated that she saw proximately ten officers grabbing the handlebars of protesters' bicycles and using the handlebars to push the bicycles into the protesters. An officer she described as a white male with no distinctive features kicked a bicycle towards § 87(2)(b) she could identify only as "Louis." Officers grabbed protesters by the shoulders and appeared to be trying to pull the protesters from the group in order to arrest them.

The BWC of Officer Aliaj (Board Review 12; summarized in Board Review 14) depicts officers running towards a large group of protesters gathered at the driver's side of the police SUV. PO Aliaj initially stands behind other officers who are directly engaged with protesters. Although specific actions cannot be seen, at approximately 00m55s, there is a blond-haired white male protester with a gold-colored bicycle between himself and a medium-complexioned male officer from the "Strategic Response Group." The bicycle moves back and forth between the white male protesters, other protesters standing near him, and the officers. It is unclear whether the bicycle is being pushed or pulled by officers or civilians. At approximately 01m00s, Officer Aliaj grabs the handlebars of another gold-colored bicycle held by two male protesters, and the bicycle moves back and forth between the protesters and Officer Aliaj and other officers. At 01m07s, Officer Aliaj has his hands on the seat of the bicycle and pushes the bicycle towards a white male. At 01m10s, Officer Aliaj has one hand on the hand of a white male protester holding the bicycle and his other hand on the seat of the bicycle. The bicycle is making physical contact with the midsection of the white male protester. At 01m12s, an officer wearing black gloves places his hands on the forearms of a blonde-haired white female, but the camera pans away before any action is captured. At 01m14s, a white male officer dressed in a white shirt – identified by the investigation as Deputy Inspector Elias Nikas – walks between the officers and protesters, and the officers collectively move away back from the line of protesters. The blonde-haired white female is depicted pushing an officer. After this, there is no subsequent physical contact between officers and civilians.

The BWC footage of Officer Christopher Bowden (Board Review 12; summary in Board Review 15) shows that Sergeant Boden arrives after physical contact between officers and civilians have ceased. At approximately 01m07s into the recording, the blond male protester is seen moving forward towards the officers. It is unclear whether he is moving of his own volition or if he is being moved forward by the protesters behind him.

The BWC footage of Officer Riveron (Board Review 12, summarized in Board Review 19) depicts Officer Riveron at 00m08s in the recording pushing the medium-complexioned male with a large ring and googles after this civilian was pushed by Officer Pichon (discussed under Allegation B). At the time of the push, the medium-complexioned male is moving his hands away from Officer Pinchon and raised his elbow towards officers. Officer Riveron's hands are seen with the hands of other officers pushing the chests of protesters that are holding bicycles. At 00m14s in the recording,

PO Riveron pushes a silver bicycle, and at 00m15s, PO Riveron and two officers to his left push civilians' bicycles.

Officer Aliaj provided testimony to the CCRB (Board Review 22). Officer Aliaj's CCRB statement was similar to that of Officer Pichon with the following exceptions noted: Officer Aliaj stated that when he observed officers in the vicinity of the police vehicle, the officers were using their hands to push the protesters. Officer Aliaj and other officers pushed the protesters who were standing in front of the vehicle so that the vehicle could move. While the officers pushed protesters out of the street, some of the protesters pushed officers with bicycles. Officers pushed the protesters back, touching either the protesters' bodies or bicycles. During this exchange, a white male wearing all black and carrying a bicycle held in front of his body at chest height and used it to push PO Aliaj. PO Aliaj pushed back against the bicycle an unknown number of times by extending his hands at shoulder height. He did this because the man was using it to push him and because he was trying to move civilians from the street to the sidewalk. PO Aliaj could not remember if he or the man initiated the exchange of pushes. The pushing lasted for twenty to thirty seconds. The two groups then moved away from each other. Officer Aliaj did not recall that he received any instructions from supervising officers.

Officer Riveron provided testimony to the CCRB (Board Review 23). Officer Riveron stated that he and other officers ran to the NYPD vehicle to move the protesters away from the car. PO Riveron instructed protesters to get off of the street and onto the sidewalk. PO Riveron stated that he could not remember if he had any physical contact with any civilians.

The Complaint Tracking System indicates that Officer Riveron is no longer a member of service. The Department confirmed that Officer Riveron retired on October 9, 2021 (Board Review 48).

As discussed under Allegation A, Patrol Guide Procedure notes that officers are permitted to use physical force if the force is used to ensure the safety of an officer or civilian. Officer Aliaj stated that he used force against the unidentified victim when the victim used a bicycle to push him. This interaction was captured on BWC footage, but while the footage shows that the bicycle moved back and forth between civilians and officers, it is unclear whether the bicycle was being pushed or pulled by the officers and civilians. § 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

Allegation (G) Force: Police Officer Hansel Rocha used physical force against § 87(2)(b)

Allegation (H) Force: Police Officer Hansel Rocha used physical force against § 87(2)(b)

The BWC footage of Officer Rocha (Board Review 12; summarized in Board Review 20) at 00m45s shows a red-shirted male who is standing five feet in front of the police vehicle; he is standing to the right of the police vehicle and is not in the vehicle's path. At 00m46s, Officer Pichon pushes the red-shirted B1
ack male with dreadlocks away from the police vehicle (as addressed under Allegation B). The red-shirted male stumbles for two or three steps away from the police vehicle. The red-shirted male has his arm up at his side between protesters and the approaching officers. The police vehicle begins to

move. At 00m47s, Officer Rocha approaches the red-shirted male, places his hands on the male's chest, and then extends his arms, causing the red-shirted male to move backwards. The red-shirted male had not made or attempted to make physical contact with any officer prior to Officer Rocha's contact with him. The BWC footage, including at 00m50s after his push of the red-shirted male, does not depict any oncoming motor vehicles in the roadway where the red-shirted male and other protesters are standing. At 00m50s, a medium-complexioned male in a black shirt walks towards Officer Rocha. At 00m51, the black-shirted male is close enough to Officer Rocha to briefly obscure Officer Rocha's body-worn camera. Officer Rocha places his hand on the black-shirted male's right shoulder and extends his arm. The black-shirted male takes a step back.

The investigation obtained cellphone video footage depicting Officer Rocha's physical contact with the red-shirted male with dreadlocks from another angle (Board Review 05; summarized in Board Review 44). In this footage, at 00m48s, Officer Rocha is seen pushing the male with dreadlocks. Because the video is taken from a distance, this footage contains fewer details of the physical contact than the BWC footage. This video does not depict Officer Rocha's interaction with the black-shirted male.

In Officer Rocha's testimony to the CCRB (Board Review 45), he stated that after observing protesters gathered in close proximity to the police vehicle, he approached to move the protesters back to the sidewalk. He stated that the protesters were "within inches, if not less" of the police vehicle and that he was uncertain what actions the protesters could have taken in connection with regard to the safety of the officers in the police vehicle. Additionally, Officer Rocha stated that he was wanted to guide the protesters back to safety out of the roadway. He stated that there was no other reason why he made physical contact with the civilians. Officer Rocha affirmed that he made physical contact with the red-shirted male and the black-shirted male depicted in his BWC footage. In his statement, Officer Rocha alternately stated that at or near the time he approached the crowd, he observed the red-shirted male in front of the police vehicle, that he could not say if the red-shirted male was in the crowd surrounding the police vehicle, and that the red-shirted male was "right across" from the police vehicle. He did not recall seeing the black-shirted male in close proximity to the police vehicle. In order to "guide" civilians back to the sidewalk, Officer Rocha stated that he put his hands up outstretched in front of his body at chest height and made physical contact with these two civilians. He stated that he did not apply any pressure when he made physical contact with them. Officer Rocha objected when an interviewer described the action he undertook on the date of incident as "physical force," stating, "At no time did I use physical force" and noting that did not push with the intent to cause physical harm or cause someone to fall. Officer Rocha believed that he may have told the crowd to get back prior to making physical contact with the civilians. Officer Rocha did not see any civilians use force against officers, and was not aware that civilians used their bicycles against officers. The interaction with protesters ended once the protesters were on the sidewalk. Officer Rocha stated that he had no intention of arresting anyone.

As discussed under Allegation A, Patrol Guide Procedure notes that officers are permitted to use physical force if the force is used to ensure the safety of an officer or civilian, to take a civilian into custody, or to prevent the escape of an arrestee. While Officer Rocha stated that he did not use physical force, the video evidence plainly shows that he pushed the red-shirted male, causing the red-shirted male to take a step back. Officer Rocha provided two reasons for making physical contact with the protesters: concern for the safety of the officers inside the police vehicle and concern for the safety of the protesters themselves. Officer Rocha's BWC shows that the red-shirted male was not in the pathway of the police vehicle or other motorized vehicle neither at the time when he was pushed by Officer Pichon nor when he was pushed by Officer Rocha. Indeed, at the time Officer Rocha pushed the red-shirted male, the male was already stumbling as a result of a push by another officer. § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

BWC footage shows that Officer Rocha placed his hand on the black-shirted male and extended his arm; immediately after this action the black-shirted male took a step back. § 87(2)(g)

As noted above, Officer Rocha stated that he made physical contact with protesters due to safety concerns for the officers in the police vehicle and safety concerns for protesters due to their position in the roadway. As discussed in the analysis for Allegation G, at the time Officer Rocha used force against the black-shirted male, this individual was not in the immediate vicinity of the police vehicle or taking any action towards the police vehicle. In fact, at this time force was used, the black-shirted male was separated from the police vehicle by a line of officers. Therefore, any concern Officer Rocha might have for the safety of the officers in the vehicle was not applicable to the black-shirted male. Additionally, as noted in the analysis for Allegation G, while the protesters were standing in the roadway, none were in the path of any oncoming traffic that might create a concern for their safety. At the time Officer Rocha pushed the black-shirted male, this individual had approached Officer Rocha in such close proximity that his body obscured the view from Officer Rocha's camera. However, Officer Rocha – who informed the CCRB that he viewed his BWC footage prior to the interview and had an additional opportunity to review the footage during his CCRB statement – did not mention any concern for his personal safety during this incident. He further noted that he had no intent to arrest any of the protesters. As discussed under Allegation A, Patrol Guide Procedure notes that officers are permitted to use physical force if the force is used to ensure the safety of an officer or civilian, to take a civilian into custody, or to prevent the escape of an arrestee. § 87(2)(g)

Allegation (I) Force: Police Officer Ileana Feliz used physical force against individuals.

Allegation (J) Force: Police Officer Ileana Feliz used physical force against § 87(2)(b)

As noted above, § 87(2)(b) alleged that a Hispanic female officer used force against her. She identified this officer as Officer Vasquez from the 1st Precinct and said that she had identified this officer by looking at the 1st Precinct Facebook page. This officer was identified by the investigation as Officer Ileana Feliz. § 87(2)(b) stated that she observed Officer Feliz push an unidentified protester. In an attempt to de-escalate and prevent further conflict, § 87(2)(b) placed herself between Officer Feliz and the protesters. § 87(2)(b) who had a bicycle with her, stated that there was approximately one foot of space between the bicycle and Officer Feliz' body. Other protesters with bicycles positioned themselves between officers and the protesters. An officer § 87(2)(b) could not describe pushed her bicycle. § 87(2)(b) then turned to face Officer Feliz and told Officer Feliz to refrain from touching her. § 87(2)(b) told the other protesters to move towards Battery Park. Officer Feliz pushed § 87(2)(b) and her bicycle. Officer Feliz also kicked § 87(2)(b)'s bicycle one or two

times, causing the pedal of the bicycle to hit § 87(2)(b) in the shin. § 87(2)(b) later stated that she was uncertain whether Officer Feliz ever touched her directly or if Officer Feliz only touched her bicycle. The contact with the pedal caused § 87(2)(b) to sustain several open cuts on both of her shins and two large bruises on each leg. § 87(2)(b) believed that these injuries were a result of Officer Feliz pushing and kicking her bicycle into her legs.

A query of CTS on August 17, 2020 revealed no female officer with the surname Vasquez and the shield number 583.

The investigation determined that several of the officers involved in the incident were assigned to Strategic Response Group (SRG) 3. During the course of officer interviews, other officers indicated that Officer Ilena Feliz, a Hispanic female officer, 5'2" in height, assigned to SRG3, with shield number 25565, matched the provided pedigree information for the subject of § 87(2)(b)'s complaint.

Officer Feliz provided a statement to the CCRB (Board Review 27). During her CCRB interview, Officer Feliz stated that she did not activate her BWC footage because had been instructed to only activate her BWC during a protest unless directly instructed to do so because TARU would be responsible for filming. Since she received no specific instructions, she did not activate her BWC. Officer Feliz affirmed that she was present at the incident location and stated that after she and other officers observed that protesters were blocking an NYPD vehicle with its emergency lights activated, officers made the collective decision to move the protesters from the intersection. Officer Feliz and other officers gave verbal commands for the protesters to exit the roadway and in approximately 30 seconds the protesters complied. Officer Feliz stated that she could not remember if any of the protesters resisted the officers' instructions. Officer Feliz reported that protesters held bicycles in front of their bodies, though she stated that she could not remember what the protesters did with the bicycles or if they used the bicycles against any officers. She stated that she did not recall how officers responded to the protesters holding their bicycles aloft. Officer Feliz stated that she did not recall where she was when officers held their bicycles aloft. Her recollection of the incident was not refreshed by watching BWC footage recorded during the incident. Officer Feliz denied that she pushed any protesters, nor did she witness other officers pushing civilians.

The investigation did not receive any BWC footage generated by Officer Feliz (Board Review 38 and Board Review 39).

Although § 87(2)(b) claimed that an officer identified by the investigation as Officer Feliz used force against her and against unidentified protesters, Officer Feliz denied using force against any protesters. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (K) Force: Officers used physical force against individuals.

Allegation (L) Abuse of Authority: Officers threatened individuals with the use of force.

As discussed under Allegations B-D, § 87(2)(b) stated that approximately 40 officers were present in the immediate vicinity, some of whom had non-collapsible batons. She stated that officers shoved protesters who approached § 87(2)(b) and kicked the protesters' bicycles. § 87(2)(b) stated that she did not see any of the protesters initiate physical contact with any of the officers. Some of the other demonstrators with bicycles also positioned themselves between the officers and the other demonstrators.

§ 87(2)(b) saw two officers, whom she described only as white males, holding batons in one hand with the batons parallel to the ground and across the fronts of their bodies. They swung the batons outward from their bodies toward protesters. § 87(2)(b) did not see if any of the officers hit any of the protesters with their batons. § 87(2)(b) view of this incident was partially blocked by the people standing in front of her.

BWC footage captured several unidentified officers using force (Board Review 12; summarized in Board Review 14). In the BWC footage recorded by Officer Pichon, at 00m51sec in the recording, an unidentified white male officer is seen pushing a bicycle into an unidentified protester. At 00m55s, a Strategic Response Group officer to Officer Pichon's left pushes a protester with blond-haired male protester holding a gold bicycle. At 01m02s, a Strategic Response officer to Officer Pichon's right pushes a gold bicycle against civilians.

In the BWC of Officer Riveron (Board Review 12; summarized in Board Review 19), at 00m15s, two unidentified officers whose faces are not depicted push civilians' bicycles with their hands. At 00m21s, an officer pushes against a female protester on her right arm. At 00m24s, an officer left pushes a female protester in the chest.

Although § 87(2)(b) provided testimony that multiple officers used force against protesters, she was unable to provide detailed descriptions of all of the alleged officers. Likewise, § 87(2)(b) alleged that officers swung their batons, but neither she nor § 87(2)(b) – who affirmed that officers with batons were present – could describe the subject officers with any specificity. The investigation determined that dozens of officers from the Strategic Response Group were present, and that several of these officers used force against members of the crowd by pushing civilians on their pushing bicycles being held by civilians. However, while the investigation was often able to discern the actions of the officer recording the footage, the investigation was not able to discern specific physical descriptors for the officers standing to the side of the officer recording. Finally, the investigation was unable to identify additional victims of the force who might provide specific descriptions of the currently identified officers.

§ 87(2)(g)

Allegation (M) Discourtesy: Police Officer Anthony Buonomo spoke discourteously to individuals.

In her testimony to the CCRB, § 87(2)(b) alleged that after Officer Buonomo made physical contact with her, she asked him not to touch her. Officer Buonomo said, “Get the fuck off the street” to the other demonstrators that were still on the street.

Officer Buonomo was interviewed by the CCRB on July 6, 2021. While at the protest, members of the crowd accused him of pushing § 87(2)(b) and an unidentified male pushed a bicycle at the officers. PO Buonomo worked to move the protesters back onto the sidewalk by saying, “Please get on the sidewalk,” and holding his arms out at his sides so that nobody could run past him. PO Buonomo estimated that it took him and the other officers 10 to 15 seconds to move the civilians out of the way of the vehicle. When asked if he said, “Get the fuck off the street,” to civilians while moving them from the street to the sidewalk, PO Buonomo said, “It could’ve come out of my mouth.” PO Buonomo stated that he would have said, “Get the fuck off the street” because he uses profanity toward people when they use profanity toward him. When asked if he had any other reasons for saying, “Get the fuck off of the street,” PO Buonomo stated that he did not.

Patrol Guide Procedure 200-02 governing the mission, vision, and values of the New York City Police Department directs officers to “render our services with courtesy and civility” (Board Review 34).

In Police Department v. Court, Disciplinary Case Number 79627/04 (Board Review 35), it was established that the use of the word “fuck,” when used in the context of re-issuing an order to a noncompliant civilian for the purpose of gaining compliance, does not constitute misconduct. “Whenever a civilian refuses to comply with a direct order by a police officer in the street in the presence of other civilians, the potential exists that the refusal will encourage others to do likewise, thereby possibly igniting the crowd and converting what had been a benign street situation into a potentially dangerous and explosive one.”

§ 87(2)(b) alleged that Officer Buonomo said, “Get the fuck off of the street.” In his testimony to the CCRB, Officer Buonomo did not deny that he used the alleged profane language and instead stated that he might have made the statement. § 87(2)(g)

Officer Buonomo stated that he might have said, “Get the fuck off of the street” in response to civilians using profanity while speaking with him. He stated that there was no other reason for using profanity. The use of profanity is, by its nature, discourteous and thus generally contravenes the Departmental guidelines established in Patrol Guide Procedure 200-02. However, Police Department v. Court provides a limited exception to the guideline and indicates that Officer Buonomo’s use of the word fuck to emphasize an order was permissible. § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 32).
- § 87(2)(b)
- Officer Anthony Buonomo has been a member of service for eight years and has been a subject in four other complaints and 11 allegations, none of which were substantiated.
- Officer Ermir Aliaj has been a member of service for six years and has been a subject in three other CCRB complaints and six allegations, none of which were substantiated. § 87(2)(g)
- Officer Justin Pinchon has been a member of the service for six years and has been a subject in two other CCRB complaints and three allegations, none of which were substantiated. § 87(2)(g)
- Officer Ryan Riveron has been a member of service for an unknown number of years and this was the first CCRB complaint to which he was a subject.

- Officer Hansel Rocha has been a member of service for nine years and this is the first CCRB complaint to which he has been a subject. § 87(2)(g)
- Officer Ileana Feliz has been a member of service for 10 years and has been a subject in one other CCRB complaint and one allegation, none of which were substantiated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of March 1, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 37).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 40).
- According to OCA, § 87(2)(b) has no history of convictions in New York City (Board Review 41).

Squad: 12

Investigator:	Signature	Print Title & Name	Date
Squad Leader:	<u>Carlmais Johnson</u> Signature	<u>IM Carlmais Johnson</u> Print Title & Name	<u>March 31, 2022</u> Date
Reviewer:	Signature	Print Title & Name	Date